

STEVEN H. HANEY, SBN 121980
HANEY, BUCHANAN & PATTERSON L.L.P.
707 Wilshire Boulevard
Fifty-Third Floor
Los Angeles, California 90017
Telephone: 213-228-6500
Facsimile: 213-228-6501
E-mail: shaney@hbplaw.com

**Attorneys for Defendant
LEE'S GENERAL TOYS, INC. and JOHN LEE**

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

GEORGIA-PACIFIC CONSUMER PRODUCTS LP.

Plaintiff,

V.

LEE'S GENERAL TOYS, INC; and
JOHN LEE.

Defendants.

CASE 3-07-CV-002391-JAH-POR

**EX PARTE APPLICATION OF
HANEY, BUCHANAN &
PATTERSON, LLP FOR
APPROVAL OF SUBSTITUTION
OF ATTORNEY REQUEST;
DECLARATION OF STEVEN H.
HANEY IN SUPPORT THEREOF**

COURTROOM: 11

Before the Hon. John A. Houston

TO ALL PARTIES AND TO THEIR COUNSEL OF RECORD:

PLEASE TAKE NOTICE that Defendant Lee's General Toys, Inc. and John Lee, and the Law Firm of Haney, Buchanan & Patterson, LLP, hereby jointly request that this Court enter an Order approving the Substitution of Counsel form which is attached as an Exhibit, to the Declaration of Steven H. Haney.

GOOD CAUSE EXISTS for the instant *ex parte* application on the grounds that the defendant clients have indicated their dissatisfaction with their prior law firm and have requested, through the attached Substitution of Attorney form, that new counsel be substituted in place and instead of their prior counsel.

An exigency exists in this case because of the fact that certain deadlines have been established which defendants must comply with including, but not limited to, a responsive to the pending document request which is due on April 15, 2008, as well as the upcoming Rule 26 obligations of the parties.

This *ex parte* application is based on the attached Declaration of Steven H. Haney filed concurrently herewith.

DATED: April 10, 2008

HANEY, BUCHANAN & PATTERSON, LLP

By:

Steven H. Haney
Attorneys for Defendants
LEE'S GENERAL TOYS, INC.
and JOHN LEE

DECLARATION OF STEVEN H. HANEY

I, Steven H. Haney, declare:

1. I am an attorney licensed to practice law before all Courts in the State of California, including the Court for the Southern District of the United States District Court in San Diego, California, and a partner in the law firm of Haney, Buchanan & Patterson, LLP. I have personal knowledge of the following facts and, if called as a witness, could and would testify competently thereto under oath.

2. Attached hereto is the Substitution of Attorney form which has been executed by the defendants, John Lee, individually and on behalf of Lee's General Toys, Inc, Defendants' former counsel and myself.

3. The Substitution of Attorney request is being submitted by the defendants based on their lack of confidence in their prior counsel, and because they have requested and I have agreed to represent them in this matter.

4. An exigency exists for the approval of the Substitution of Attorney request in that General Toys' response the Plaintiff's Request for Production of Documents is due on April 15, 2008, and Plaintiff's counsel have indicated that no further extensions will be granted to comply with that date. Additionally, the parties have upcoming Rule 26 Conference obligations which will require that Defendants counsel be in place as quickly as possible.

5. Attached hereto as Exhibit "1" is a fully executed copy of the Substitution of Attorney form. On behalf of Defendants, and my firm, I hereby respectfully request that the Court approve this request for substitution of counsel.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct, and that this declaration was executed on April 10, 2008 at Los Angeles, California.

Steven H. Haney

EXHIBIT “1”

Steven H. Haney SBN: 121980
 Haney, Buchanan & Patterson, LLP
 707 Wilshire Blvd., Suite 5350
 Los Angeles, CA 90017
 213-228-6500; 213-228-6501 (fax)
 shaney@hbplaw.com

UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF CALIFORNIA

Georgia-Pacific Consumer Products LP

v. Plaintiff(s)
 Lee's General Toys, Inc.; and John Lee, Ind.

CASE NUMBER:
 3:07-cv-02391-JAH-POR

SUBSTITUTION OF ATTORNEY

Defendant(s)

Lee's General Toys, Inc. and John Lee Name of Party Plaintiff Defendant Other

hereby substitutes Steven H. Haney

Retained Counsel Court Appointed Counsel Pro Per 707 Wilshire Blvd, Suite 5350 who is

Los Angeles, CA 90017 City, State, Zip Code 213-228-6500 Telephone Number 213-228-6501 Facsimile Number 121980 State Bar Number

as attorney of record in the place and stead of Ronald Martinetti Present Attorney

Dated: April 7, 2008

J. Haney Signature of Party
 John Lee, Ind., and for Lee's General

I have given proper notice pursuant to Local Rule 83-2.9.2 and further consent to the above substitution.

Dated: April 7, 2008

Ronald Martinetti Signature of Present Attorney
 Ronald Martinetti

I am duly admitted to practice in this District pursuant to Local Rule 83-2.8.

Dated: April 7, 2008

S. H. Haney Signature of New Attorney
 Steven H. Haney

Substitution of Attorney is hereby Approved, Denied.

Dated:

United States District Judge / Magistrate Judge

NOTICE TO COUNSEL: If you are currently enrolled in the Optical Scanning Program and have changed your facsimile number or e-mail address since your enrollment, you must complete an Enrollment/Update Form G-76 to ensure that documents are served at the proper facsimile number or e-mail address. This form, as well as information about the Optical Scanning Program, is available on the Court's website at www.caud.uscourts.gov.

G-76 (08/02)

SUBSTITUTION OF ATTORNEY

G-76

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 707 Wilshire Boulevard, 53rd Floor, Los Angeles, California 90017. On April 9, 2008 I served the foregoing document described as

Iles, California 90017. On April 1, 2008, I served the foregoing document described as **SUBSTITUTION OF ATTORNEY** on the interested parties in this action by placing a true copy thereof enclosed in a sealed envelope addressed as follows:

Stephen P Swinton, Esq.
Latham and Watkins
12636 High Bluff Drive
Suite 400
San Diego, CA 92130

(858)523-5400
Fax: (858)523-5450
Email: steve.swinton@lw.com

BY MAIL AS FOLLOWS: The envelope was mailed with postage thereon fully prepaid. I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. postal service on that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if the postal cancellation date or postage meter date is more than one day after service of deposit for mailing in affidavit.

BY WEBSITE POSTING: I caused such document to be posted upon the Website.

BY PERSONAL SERVICE: I caused such envelope to be delivered by hand to the offices of the addressees stated above.

BY OVERNIGHT COURIER: I caused the above-referenced document(s) to be delivered to Federal Express for delivery to the above address(es).

BY FACSIMILE MACHINE: The foregoing document was transmitted to Manning & Marder by facsimile transmission from (213) 228-6501 on said date and the transmission was reported as complete and without error.

Executed on April 9, 2008, at Los Angeles, California.

(State) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

(Federal) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

PAMELA POWELL
Type or Print Name

Signature